

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

MATT P. JACOBSEN,

Plaintiff,

v.

HSBC BANK USA, N.A., et al.,

Defendants.

Case No. 3:12-cv-00486-MMD-WGC

ORDER

(Plf.'s Motion for Reconsideration
– dkt. no. 33)

I. SUMMARY

Before the Court is Plaintiff Matt P. Jacobsen's Motion for Reconsideration of the Court's November 30, 2012 Order (dkt. no. 33). This is the second time Jacobsen has effectively requested the Court to reconsider that Order. Previously, Jacobsen filed an "Emergency Motion," which the Court construed as a motion for reconsideration of the November 30, 2012, Order. (Dkt. no. 28.) That Motion was denied. (Dkt. no. 30.)

II. BACKGROUND

The relevant details concerning this transaction are summarized in the Court's November 30, 2012, Order.

III. LEGAL STANDARD

Although not mentioned in the Federal Rules of Civil Procedure, motions for reconsideration may be brought under Rules 59(e) and 60(b). Under Rule 60(b), a court may relieve a party from a final judgment, order or proceeding only in the following circumstances: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly

1 discovered evidence; (3) fraud; (4) the judgment is void; (5) the judgment has been
2 satisfied; or (6) any other reason justifying relief from the judgment. *Stewart v. Dupnik*,
3 243 F.3d 549, 549 (9th Cir. 2000). See also *De Saracho v. Custom Food Mach., Inc.*,
4 206 F.3d 874, 880 (9th Cir. 2000) (noting that the district court's denial of a Rule 60(b)
5 motion is reviewed for an abuse of discretion).

6 A motion for reconsideration must set forth the following: (1) some valid reason
7 why the court should revisit its prior order; and (2) facts or law of a "strongly convincing
8 nature" in support of reversing the prior decision. *Frasure v. United States*, 256
9 F.Supp.2d 1180, 1183 (D. Nev. 2003). On the other hand, a motion for reconsideration
10 is properly denied when the movant fails to establish any reason justifying relief.
11 *Backlund v. Barnhart*, 778 F.2d 1386, 1388 (9th Cir. 1985) (holding that a district court
12 properly denied a motion for reconsideration in which the plaintiff presented no
13 arguments that were not already raised in his original motion)). Motions for
14 reconsideration are not "the proper vehicles for rehashing old arguments," *Resolution*
15 *Trust Corp. v. Holmes*, 846 F. Supp. 1310, 1316 (S.D. Tex. 1994) (footnotes omitted),
16 and are not "intended to give an unhappy litigant one additional chance to sway the
17 judge." *Durkin v. Taylor*, 444 F. Supp. 879, 889 (E.D. Va. 1977).

18 **IV. DISCUSSION**

19 Jacobsen's Motion is without merit, as he has failed to demonstrate a valid reason
20 as to why the Court should revisit its prior order. Nor has he provided the Court with
21 facts or law of a "strongly convincing nature" in support of reversing its November 30,
22 2012, decision. See *Frasure v. United States*, 256 F.Supp.2d 1180, 1183 (D. Nev.
23 2003).

24 **V. CONCLUSION**

25 IT IS HEREBY ORDERED that Plaintiff's Motion for Reconsideration (dkt. no. 33)
26 is DENIED.

27 IT IS FURTHER ORDERED that no further filings will be accepted in this closed
28 action without leave of the Court. If any party wishes to request leave to file, the

1 requested document shall be attached to a motion explaining why good cause exists for
2 the Court to give leave.

3 DATED THIS 22nd day of February, 2013.

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6 MIRANDA M. DU
7 UNITED STATES DISTRICT JUDGE
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